

Exhibit E

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

February 23, 2010

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

LISA PATRICE GROSS,

Plaintiff-Appellant,

v.

No. 08-3236

GENERAL MOTORS
CORPORATION,

Defendant-Appellee.

ORDER

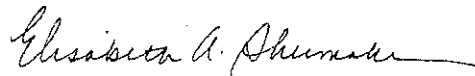
Lisa Patrice Gross filed a motion asking this court to grant her relief from the automatic stay imposed in the General Motors Corporation bankruptcy case, in order to allow this appeal to proceed. General Motors Corporation filed a response indicating it does not object to the court granting Ms. Gross's motion, provided that the court also enters an order substituting General Motors LLC as the appellee in this matter. At the direction of the panel assigned to hear this case on the merits, the motion is denied because this court has no authority to grant relief from the automatic stay.

The bankruptcy court is the proper forum in which to request relief from an automatic stay. Title 11 of the United States Code, § 362(d), provides that a bankruptcy court may grant relief from an automatic stay "[o]n request of a party

after notice and a hearing.” Thus, Ms. Gross must pursue the relief she seeks in the bankruptcy court.

Appellant’s Motion for Relief from Automatic Stay is DENIED.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal line.

ELISABETH A. SHUMAKER, Clerk